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**UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/173,423      10/15/98      DEICHMANN      R      WW-8

EXAMINER
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PM82/0517

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THOMSON, M	
ART UNIT	PAPER NUMBER

3641

DATE MAILED:

05/17/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/173,423

Applicant(s)

DEICHMANN ET AL.

Examiner

Michelle R Thomson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 October 1998.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 46-50 is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 1998 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 17) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: \_\_\_\_\_.

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The previous office action mailed April 13, 2000 is hereby withdrawn.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because numerous reference characters have been used to designate more than one object, for example: reference character "10" has been used to designate both "accumulator" and "stop assembly"; reference character "24" has been used to designate both "accumulator" and "stop assembly"; reference character "44" has been used to designate "a curved portion", "lower end", "stand end portion" and "stancion end portion"; reference character "55" has been used to designate both "mounting plate" and "base plate"; reference character "25" has been used to designate both "bumpers" and "adapter"; reference character "26" has been used to designate both "fastener" and "hose"; reference character "72" has been used to designate both "barrel extension" and "barrel"; reference character "28" has been used to designate both "handles" and "openings". The preceding are exemplary only and not exhaustive.

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The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include numerous reference sign(s) mentioned in the description such as: 112, 110, 106, 103, 100, 62, 34, 33, 22.

The preceding are exemplary only and not exhaustive.

The drawings are objected to in that Figure 2G has been omitted.

Corrections are required.

3. Applicant is required to submit a proposed drawing correction in reply to this office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

### *Specification*

4. The abstract of the disclosure is objected to because it should be limited to a single paragraph within the range of 50 to 250 words. The abstract should not exceed 25 lines of text. Correction is required. See MPEP § 608.01(b).

5. The disclosure is objected to because of the following informalities: The specification is replete with idiomatic and grammatical errors too numerous to mention specifically. Examples of such errors are as follows:

In the abstract, in line 3, "the the" should be --the--; in line 11, "stantion" should be --stanchion--; in line 13, "a a" should be --a--; in line 50, "end The" should be --end the--; on page 3 in line 2 "Connor" should be --Cannon--; and in line 25, "nlot" should be --not--; on page 4 line 5, "buper" apparently should be --bumper--; and in line 6, the period (.) should be a comma (,); on page 5 line 3 appears to be incomplete; on page 6, in line 5, "the the" should be --

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the--; and in line 13, "controlledby" should be --controlled by--; and in line 17 "a a" should be --a--; on page 7, in line 1 "stancion" apparently should be --stanchion--; and in line 12 the associated Figure numeral has been omitted; and in line 25, "scres" should be --screws--; on page 8, lines 18 and 19 refer to a non-illustrated Figure; on page 11 in line 15 the associated Figure numeral has been omitted; on page 12 in line 12, "end The" should be --end the--; on page 14, in line 9 the phrase "on and of valve" is unclear; and in line 15, "pnuematic" should be --pneumatic--; and in lines 17-18, the phrase "customer selects are vertical orientation" is unclear; in claim 1, in line 5 "the the" should be --the--; in claim 2, line 2, "horizontel" should be --horizontal--; in claim 22, line 2, "within within" should be --within--; in claim 23, in line 3, "verical" should be --vertical--; in claim 25, in line 7, "the the" should be --the; in line 17 "siad" should be --said--; in claim 29, in line 2, "a a" should be --a--; in claims 40 and 41 "stancion" should be --stanchion--; and in claim 45, in line 4, "botton" should be --button--.

The preceding are exemplary only and not exhaustive.

The patent (4,085,256) referenced on page 15 appears to be the incorrect patent number.

Appropriate correction is required.

### *Claim Objections*

6. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

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Misnumbered claims 43-49 have been renumbered as claims 42-48.

*Claim Rejections - 35 USC § 112*

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 1 and 25, the phrases “for launching a liquid or solid” and “for launching a liquid or solid substance” are alternative and indefinite. In claim 9, the phrase “wherin said pair---of elastomeric material” is unclear and indefinite in that the resilient stop assemblies have not been previously claimed as being made of an elastomeric material. Claims 11, 13, 17, 20, 25, 26, and 35 are indefinite in that the claims do not end with a period so it is uncertain if everything intended has been included in the claims. In claim 15 the phrase “wherein said the extent” is incomplete and indefinite, and “said base plate” has no positive antecedent basis, since a “base plate” has not been previously claimed. In claim 17, the phrase “said resilient stop---cylindrical dogs” is incomplete and indefinite. In claim 22, “said resilient stop assembly” has no positive antecedent basis, since a plurality of resilient stop assemblies have been previously claimed. In claim 25, in line 4, “said barrel” has no positive antecedent basis since a barrel has not been previously claimed; and in lines 19-20, the phrase “and to be discharged from barrel assembly” is incomplete and indefinite. In claims 26, 27 and 40, “said valve assembly” has no positive antecedent basis, since a valve assembly has not been previously claimed. In claims 30, 31, and 33, “said end portion” has no positive antecedent basis, since an

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“end portion” has not been previously claimed. In claim 31 the reference numeral must be enclosed with a parenthesis. In claims 32 and 35, “said base plate” and “said leg means”, respectively, have no positive antecedent basis. In claims 40 and 41 reference to the “stancion end portion” (note “stanchion” is misspelled) has no positive antecedent basis, since a “stanchion end portion” has not been previously claimed.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Green et al. (U.S Patent # 2,475,089).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 3-8, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green et al. in view of Jarvis (U.S Patent # 4,338,852). Green et al. discloses a gun mount capable of movement in the horizontal and vertical planes (Figures 1 and 3 and columns 1 and 2

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lines 52-55 and 1-3 respectively), with movable means for limiting the vertical and horizontal movements (column 3 lines 25 and 26 and lines 42-44).

Green et al. does not disclose a resilient stop assembly in a cylindrical casing but Jarvis does (column 1 line 12 and column 2 lines 37-40).

Therefor, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the resilient bump stop of Jarvis with the gun mount of Green et al. to provide a gun mount for firing from a number of different positions.

*Allowable Subject Matter*

13. Claims 9 and 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

14. Claims 46-50 are allowed.

*Conclusion*

15. Since claims 11-14 and 17-45 are incomplete the meets and bounds thereof cannot be ascertained; therefor, consideration of their merits based upon prior art cannot be given at this time.

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yost (U.S Patent # 1,190,356), Smith (U.S Patent # 2,094,854), Briggs (U.S Patent # 5,820,472), Allais et al. (U.S Patent # 5,056,409), Hamilton (U.S Patent # 1,300,264), Jackson et al. (U.S Patent # 2,682,200), Eastman (U.S Patent # 2,705,298), Topham et al. (U.S Patent # 2,633,060), Woodman (U.S Patent # 2,467,514), Politzer et al. (U.S Patent # 4,423,663), Eng



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(U.S Patent # 4,919,036), Cross (U.S Patent # 2,407,871), Felts (U.S Patent # 6,044,747), Jeans (U.S Patent # 1,526,341), and Schaulin et al. (U.S Patent # 4,469,005).

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle (Shelley) Thomson whose telephone number is 703.306.4176. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Jordan can be reached on 703.306.4159. The fax phone number for the organization where this application or proceeding is assigned is 703.305.0285 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1113.

Shelley Thomson  
Art Unit 3641  
5/9/00

  
Charles T. Jordan  
Supervisory Patent Examiner  
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